

ADDENDUM SIX

RULES AND REGULATIONS OF THE JUDICIAL COUNCIL AND THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT FOR THE SELECTION OF NOMINEES AND THE APPOINTMENT OF BANKRUPTCY JUDGES

1. PURPOSE

United States bankruptcy judges exercise important judicial powers and responsibilities as officers of the United States district courts. It is therefore imperative that only highly qualified individuals be selected as bankruptcy judges. These regulations are adopted in accordance with Section 120(b) of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Public Law 98-353, 98 Stat. 345, and the Regulations of the Judicial Conference of the United States for the Selection of United States Bankruptcy Judge Nominees.

Bankruptcy judges will be appointed without regard to race, color, sex, religion, or national origin.

2. ESTABLISHMENT OF PANEL

Upon notification of a bankruptcy judge vacancy, an expression by an incumbent bankruptcy judge to be considered for a 14-year term, or approximately six months prior to the expiration of the term of office of a bankruptcy judge, the Section 3.03 procedures of the Judicial Conference shall be initiated and conducted by committees for each state consisting of the resident members of the Council in the state.

3. PUBLIC NOTICE OF POSITION VACANCY

The circuit executive will be responsible for advertising each vacancy in accordance with the regulations established by the Judicial Conference of the United States for the selection of United States Bankruptcy Judge nominees. After the deadline for applications, the circuit executive will forward all applications received to the committee.

4. COMMITTEE DUTIES

a. General

The committee shall determine for the Judicial Council that:

- (1) public notice of such vacancy has been given and an effort has been made, in the case of each such vacancy to identify qualified candidates, without regard to race, color, sex, religion or national origin;
- (2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every bar of which they are members;
- (3) such persons possess, and have a reputation for, integrity and good character;
- (4) such persons are of sound physical and mental health;
- (5) such persons possess and have demonstrated commitment to equal justice under law;
- (6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes; and
- (7) such person's demeanor, character, and personality indicate they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

b. Procedures

- (1) The committee shall interview such number of qualified applicants as it deems appropriate. As a general rule, the committee will have interviewed those applicants whom it recommends to the Council as "best qualified," unless, for example, an incumbent is sufficiently known to the committee and will be interviewed by the court.
- (2) The committee shall: (a) give the names of all applicants with brief resumes to the Council, (b) report with supporting information all nominees who are considered "best qualified," (c) designate the nominee(s) it recommends be submitted by the Council to the Court, and (d) recommend the nominee(s) whom it thinks should be interviewed by the Court.
- (3) The committee report will provide deadlines for objection by Council members and recommended deadlines for objection to the Council report by Court members. Such deadlines shall reasonably meet the time required for a study of the report. Procedures for modification of the reports of either the committee or the Council may be conducted by telephone in order to meet the time set for Court interviews.

- c. The application of a sitting bankruptcy judge should not be considered for any position within that judge's district other than the one that the judge occupies.

5. DUTIES OF JUDICIAL COUNCIL

Except for other duties as provided in the Act or in the Judicial Conference regulations, the committee report shall be the Council report unless a Council member objects and the report is modified on motion passed by majority vote of the Council.

6. DUTIES OF THE COURT OF APPEALS

a. Following receipt of the names of the nominees, the Court shall interview the nominee(s) recommended in the Council report, unless a Court member objects and the recommendation is modified by motion of any court member passed by majority vote. In no event will any appointment be made without the appointee having been personally interviewed by the Court.

b. One person shall be selected by the Court of Appeals for appointment and that person's name shall be submitted to the Director of the Administrative Office, who shall request investigations by the Federal Bureau of Investigation and the Internal Revenue Service. It is contemplated that the investigation by the FBI shall be a full-field investigation.

c. Information received from the FBI and IRS shall be reviewed by the chief judge of the circuit. If the chief judge of the circuit determines that information in the FBI and IRS reports warrants review, the chief judge shall send the reports to the Court of Appeals judges who served on the Judicial Council's screening committee or to the full Court. If the chief judge of the circuit determines that the FBI and IRS reports contain no negative information, the chief judge may issue an order of appointment on behalf of the Court. If the IRS report is not received in a timely manner, the chief judge may waive the report, provided that the chief judge is satisfied, and so reports to the other members of the Court, that tax returns have been filed by the selectee as required.

d. The appointment of the bankruptcy judge shall be entered of record in the Court of Appeals and the pertinent district court or courts, and notice of such appointment shall be given at once by the clerk of the Court of Appeals to the Director of the Administrative Office. The clerk will, at that time, provide to the Director a copy of the public notice.